

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

KABITA CHOUDHURI,

Plaintiff,

vs.

WELLS FARGO BANK, N.A., CIT GROUP,
INC.; FIRST AMERICAN LOAN STAR;
DEUTSCHE BANK USA; TODD S. BELL
AND MEG DEGROOTE,

Defendants.

Case No: C 11-00518 SBA

**ORDER DENYING MOTION TO
WITHDRAW AS COUNSEL OF
RECORD**

Docket 32

On February 23, 2011, the law firm of Severson & Werson (“Severson”) filed a motion to dismiss on behalf of Defendants Wells Fargo Bank, N.A, Deutsche Bank USA, Todd S. Bell and Meg DeGroote. Dkt. 4. On May 20, 2011, Severson filed motion seeking to withdraw as counsel for Mr. Bell and Ms. DeGroote. Dkt. 32. Severson claims that it does not represent either of these defendants and that the appearance on their behalf was inadvertently made. The motion is not noticed for hearing, there is no declaration accompanying the motion to support the factual assertions made therein and there is no indication that Severson served Mr. Bell and Ms. DeGroote with a copy of the motion.

The Court’s Civil Local Rules authorize an attorney to withdraw as counsel of record so long as he or she (1) provides written notice to the client and all other parties in the action and (2) obtains leave of court. Civ. L.R. 11-5(a); see Darby v. City of Torrance, 810 F. Supp. 275, 276 (C.D. Cal. 1992). Permission to withdraw is discretionary. See Washington v. Sherwin Real Estate, 694 F.2d 1081, 1087 (7th Cir. 1982). Here, there is no indication in the record that Severson provided notice of the instant motion to Mr. Bell and Ms. DeGroote. To the contrary, the Certificate of Service accompanying the motion indicates the they were not served with the motion. Dkt. 33. In addition, Severson has

1 failed to file a declaration in support of its motion, as required by Civil Local Rule 7-5.
2 Accordingly,

3 IT IS HEREBY ORDERED THAT Severson's motion to withdraw as counsel of
4 record for Mr. Bell and Ms. DeGroote is DENIED without prejudice. This Order
5 terminates Docket 32.

6 IT IS SO ORDERED.

7 Dated: May 24, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 CHOUDHURI et al,

5 Plaintiff,

6 v.

7 WELLS FARGO BANK N.A. et al,

8 Defendant.
9 _____/

10 Case Number: CV11-00518 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on May 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Kabita Choudhuri
19 331 Richardson Way
20 Mill Valley, CA 94941

21 Dated: May 25, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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